

## **REMARKS**

### **I. Status of Claims.**

This application has been reviewed in light of the Office Action dated February 10, 2005. Claims 1-22 are presently pending. Claims 1 and 7-9 are amended in a manner that is believed to overcome rejections contained in the pending Office Action. Claim 6 has been cancelled as containing duplicitous subject matter of amended claim 1. Claim 22 has been cancelled not for reasons of prior art but as being directed to subject matter no longer of commercial interest to the Applicants. No new matter or issues are believed to be introduced by this amendment. Support for the amendments are found throughout the specification, drawings and originally filed claims.

### **II Claims 1-5, 10, 11 and 22 rejected under 35 USC 102 (b).**

The Examiner rejected claims 1-5, 10 and 11 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 4,790,943 to Dunn et al. (Dunn). Applicants respectfully traverse this rejection.

**A. Examiner's Rejection.** The Examiner stated that the rejected claims were anticipated by Dunn, as the patent to Dunn discloses contacting waste water with a strong oxidant such as ozone, which breaks down emulsions and causes floc formation of fat and grease. The Examiner has previously acknowledged that Dunn does not specifically discuss a reaction between the ozone and wastewater being treated and that Dunn is clearly concerned with using a strong oxidant to break emulsions and form flocs. The Examiner in forming her rejection stated that it is inherent that the addition of ozone in the process of Dunn results in a reaction that produces surfactants, thus enabling flocs of fat and grease to form as Dunn teaches.

**B. Teachings of Dunn.** Dunn discloses a process for treating effluent water of a poultry processing plant for reuse in that plant. Dunn discloses and suggests a process where the effluent is treated with a strong oxidant and with a substance to substantially reduce the pH to less than 5.2 and preferably about  $3.0 \pm 0.5$  pH causing a floc to form together resulting in the destruction of bacteria and a breaking of the oils and greases found within the effluent water. Dunn has an extremely caustic water environment having a strongly acidic pH that causes this destruction. It is not disclosed in Dunn that the addition of a strong oxidant such as ozone causes a surfactant to form.

**C. Deficiencies of Dunn.** Applicants' amended claim 1 and its dependant claims are not anticipated by the patent to Dunn as the claimed subject matter of the instant invention is not disclosed within Dunn. Dunn discloses a process where "[t]he combined action of pH adjustment and the oxidant oxidizes the color of the waste water, breaks down the fat and grease emulsions, and creates a floc of the impurities" (Dunn column 3, lines 31-34). The adjustment of the pH to a strongly acidic level according to Dunn is to promote the formation of a floc containing impurities and not to treat recovered water to reduce impurities and provide disinfection by "reacting ozone with said recovered water to produce surfactants" as disclosed and claimed within the Applicants' invention. The pH of the wastewater of the instant invention is not adjusted to the strongly acidic level as is disclosed in Dunn. Further, Dunn does not disclose "recovering a portion of water used in a non-chilling processing step of poultry processing said step of recovering water includes passing said water through a recovery sump comprising a basin having a first compartment for receiving said recovered water and barrier in said basin forming a second compartment, said first compartment having a means for skimming solids from said recovered water leaving skimmed water that flows into said second compartment" as Applicants have disclosed and claimed.

As has been clearly enunciated by the Federal Circuit: Anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim. Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 221 USPQ 481, 485 (Fed Cir. 1984) (emphasis added). Here the requirement of showing each and every element of Applicant's claimed invention, as set forth in amended claim 1 from which all rejected claims depend, in a single prior art reference has not been met. Dunn fails to disclose Applicants' claimed invention of as detailed above. In light of the above, it is respectfully submitted that the 35 U.S.C. §102(b) is improper, may be properly withdrawn, and Applicants so request.

### **III Claims 6-9 and 12 Objected To As Being Dependent Upon Rejected Claim 1**

The Examiner objected to claims 6-9 and 12 as being dependent upon a rejected base claim, namely claim 1. Applicants have cancelled claim 6 as being duplicitous of amended claim 1, which includes the limitations of cancelled claim 6. Applicants respectfully submit that

amended claim 1 and its dependant claims, because of the reasons set forth above, are patentable over the cited art. Applicants respectfully request that this objection be withdrawn.

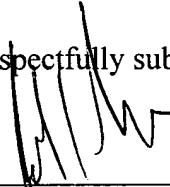
**IV. Claims 13-21 Allowed**

The Examiner indicated that claims 13-21 are allowable over the prior art. Applicants thank the Examiner for her diligence in the examination of this Application and the allowance of these claims.

**CONCLUSION**

Accordingly, it is believed that in view of the above amendments and comments all claims remaining in the application are in condition for allowance, and therefore reconsideration and allowance are earnestly solicited. If the Examiner feels that a telephone conference would expedite prosecution of this case, or resolve any remaining issues, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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